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Patent  
Attorney Docket No. 1030681-000642

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Youn-joon Sung et al.

Application No.: 10/813,157

Filing Date: March 31, 2004

Title: LASER DIODE AND METHOD OF  
MANUFACTURING THE SAME  
USING SELF-ALIGN PROCESS

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)  
) Group Art Unit: 2828  
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) Examiner: RORY B FINNEREN  
)  
) Confirmation No.: 4476  
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AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- ☐ A Petition for Extension of Time is enclosed.
- ☐ \_\_\_\_\_ Terminal Disclaimer(s) and the ☐ \$ 65 ☐ \$ 130 fee per Disclaimer due under 37 C.F.R. § 1.20(d) are enclosed.
- ☐ Also enclosed is/are: \_\_\_\_\_
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$ 395 ☐ \$ 790 fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted \_\_\_\_\_ on \_\_\_\_\_ for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least \_\_\_\_\_, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.



- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	10	Minus 23=	0	x \$ 25 (1202)	\$ 0
Independent Claims	1	Minus 3=	0	x \$ 50 (1201)	0
If Amendment adds multiple dependent claims, add \$ 360 (1203)					\$ 0
<b>Total Claim Amendment Fee</b>					<b>\$ 0</b>
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					0
<b>TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT</b>					<b>\$ 0</b>

- ☐ Charge \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the fee due.
- ☐ Charge \_\_\_\_\_ to credit card for the fee due. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date January 17, 2007

By:

  
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Patent  
Attorney's Docket No. 1030681-000642

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)	
Youn-joon Sung et al.	)	Group Art Unit: 2828
Application No.: 10/813,157	)	Examiner: RORY B FINNEREN
Filed: March 31, 2004	)	Confirmation No.: 4476
For: LASER DIODE AND METHOD OF	)	
MANUFACTURING THE SAME	)	
USING SELF-ALIGN PROCESS	)	

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement (Restriction) dated December 18, 2006, Applicants provisionally elect Invention I with traverse. Invention I includes claims 1-10 drawn to a laser diode.

Applicants traverse the restriction requirement on the ground that there will not be a serious burden if restriction is not required and all pending claims are examined on the merits. As stated in MPEP §811, "the Examiner should make a proper requirement as early as possible in the prosecution, in the first action if possible, otherwise, as soon as the need for a proper requirement develops. Before making a restriction requirement after the first action on the merits, the Examiner will consider whether there will be a serious burden if restriction is not required" (emphasis added). Applicants respectfully submit that a serious burden does not exist because two previous office actions on the merits have been issued, and Applicants response has not provided a situation where a need for a restriction requirement exists.

In a non-final Office Action dated February 28, 2006, the subject matter recited in the originally filed claims 1-23 was searched and rejected under 35 U.S.C. §102. Applicants filed a response including a claim amendment on May 23, 2006. In a second non-final Office Action issued on August 15, 2006 and in response to Applicants' claim Amendment, the subject matter recited in claims 1-23 was searched and rejected under 35 U.S.C. §103. Applicants point out that in each Office Action, the same prior art reference was used to